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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,092	01/31/2001	Felix Guindulain Vidondo	2383-1-006	6076

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KLAUBER & JACKSON  
411 HACKENSACK AVENUE  
HACKENSACK, NJ 07601

EXAMINER
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LE, UYEN CHAU N

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/773,092

Applicant(s)

VIDONDO, FELIX GUINDULAIN

Examiner

Uyen-Chau N. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Prelim. Amdt/Amendment*

1. Receipt is acknowledged of the Amendment filed 31 January 2001.

### *Priority*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

3. The Abstract of the Disclosure is objected to because the use of the legal phraseologies, "means", lines 5 and 8, are not permitted. Correction is required. See M.P.E.P. § 608.01(b).

### *Claim Objections*

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4. Claims 1-2 and 4-5 are objected to because of the following informalities:  
  
Re claim 1, lines 2-3: Substitute " , being useful to be included in all types of automatic vending machines" with -- for automatic vending machines --.  
  
Re claim 1, line 5: Substitute "the inclusion" with -- an inclusion --.  
  
Re claim 1, line 6 and claim 5, line 5: Substitute " a module" with -- a service module --.  
  
Re claim 1, line 7: Substitute " the corresponding product" with -- a corresponding product --.  
  
Re claim 1, line 10: Substitute " the payment means" with -- a payment means --.  
  
Re claim 1, lines 10-11: Substitute "the service option" with -- a service option --.  
  
Re claims 1, lines 11-12: Substitute "the display" with -- a display --.

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Re claim 1, line 14: Substitute "the service control" with -- a service control --.

Re claim 1, line 15: Substitute " the main control" with -- a main control --.

Re claim 1, line 16: Substitute "the control" with -- the service control --.

Re claim 1, line 17: Substitute "the telephone line" with -- a telephone line --.

Re claim 2, line 6: Substitute both "it" with -- the rendered service --.

Re claim 2, line 7 and claim 4, line 3: Delete "itself".

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetrick et al (US 5,831,862) in view of Peters (US 5,769,269) and Ishizaki et al (US 5,884,140).

Re claims 1-6, Hetrick et al discloses a combined system of automatic selling of products and services for automatic vending machines. The combined system comprises an automatic vending machine 1 with a service module having service operating means. The machine 1 has a corresponding product selection push button 90, a display 95 for displaying instruction and information to customers, a service control circuit 200 being controlled by the main control electronic 100 (figs. 1-5; col. 3, line 3 through col. 4, line 60).

Hetrick et al fails to teach or fairly suggest that the service control circuit is connected to a telephone line.

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Peters teaches the above limitation with vending machine 30 connecting to a central station 20 via telephone communications line 48 (see fig. 1; col. 4, lines 45-50).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Peters into the teachings of Hetrick et al in order to provide Hetrick et al with a network system, wherein the data information can be exchanged between the central station and each individual terminals. Furthermore, such modification would provide Hetrick et al with the latest technology, wherein each and every remote terminal can be monitored/controlled/updated from a remote central station. Accordingly, such modification would have been an obvious extension as taught by Hetrick et al, well within the ordinary skill in the art, and therefore an obvious expedient.

Hetrick et al as modified by Peters fails to teach or fairly suggest that the service module having a display designating a payment means to which when a service option is selected the payment means is designated by a display of the automatic machine.

Ishizaki et al teaches the above limitation with display 30 for displaying payment types being vended in the machine and display 31 for displaying a selected payment message to the customer (fig. 3; col. 5, lines 14-46).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ishizaki et al into the teachings of Hetrick et al/Peters in orders to provide Hetrick et al/Peters with a universal system, wherein the user has a flexibility making a payment with a desired payment type (i.e., negotiable instrument, credit card, debit card, etc.), and thus providing a more user-friendly system to the operator. Furthermore, such modification would have been an obvious extension as taught by Hetrick et al/Peters, well within the ordinary skill in the art, and therefore an obvious expedient

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Miller et al (US 5,959,869); Lee (US 5,914,886); Lee (US 5,896,975); Ushikubo (US 4,767,917); Ushikubo et al (US 4,778,983); Hino et al (JP 57-31074); Nakada (JP 60-7572); Nulph et al (US 6,279,718); Walker et al (US 6,230,150); Watkins (US 6,123,223); Seo (US 6,062,277); Picioccio et al (US 5,997,236); Picioccio et al (US 5,685,435); Brown (US 5,445,295); and Saito et al (US 5,904,869) are cited as of interest and illustrate a similar structure to a combined system of automatic selling of products and services.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588. The examiner can normally be reached on M-T and TR-F 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After-Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



*Uyen-Chau N. Le*

November 19, 2001



MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800